

1 Lori Ulrich (CONS/P) Case No. 0255470

Conservator Ulrich, Louis (Pro Per)

Probate Status Hearing Re: Vacancy of Conservator due to death of Conservator

Age: 57		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>Petition for Temporary</u> <u>Conservator filed 02/17/2016.</u> <u>Hearing is set for 03/01/2016.</u> <u>General Hearing is set for</u> <u>03/23/2016.</u>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
Reviewed by: LV		
Reviewed on: 02/23/2016		
Updates:		
Recommendation:		
File 1- Ulrich		

2 Gary Hembree (CONS/PE) Case No. 06CEPR00616**Attorney Kruthers, Heather H (for Public Guardian – Conservator)****Probate Status Hearing re: Termination of Proceeding for Deceased Conservatee**

		PUBLIC GUARDIAN , was appointed Conservator of the Person and Estate on 08/01/2006.	NEEDS/PROBLEMS/COMMENTS:
		Letters issued on 08/03/2006.	
Cont. from			
Aff.Sub.Wit.		Appraisal of Estate by Public Guardian filed 09/01/2006 showing an estate valued at zero.	
Verified			
Inventory		Order settling First Account was signed 01/02/2008.	
PTC			
Not.Cred.		Notice of Status Hearing set this Status Hearing re Termination of Proceeding for Deceased Conservatee. Notice was given to Public Guardian; County Counsel; and Attorney Flora Istanbulian on 01/05/2016.	
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.		Status Report filed 02/19/2016 states the Public Guardian is short-staffed. One of the support staff suddenly retired for medical reasons and that person has not been replaced. Although the Public Guardian intends on replacing this person, the County's recruitment period is usually at least 3 months from the time the vacancy occurs to the time it is filled. The person who prepares the necessary documents for the accounts is currently covering both her duties and the duties of the other staff member who retired. Therefore, she is unable to get all the accounts done that need to be done before the scheduled status hearings. Furthermore, there have been a large number of accounts set for status hearings, which makes it even harder for her to get to all of them. In addition, where applicable, her services are needed to correct errors and discrepancies found by the probate examiners in the accounts that are being heard.	
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		Therefore, it is respectfully requested that the next status hearing for this matter be set no sooner than 90 days from the date of this status hearing.	
			Reviewed by: LV
			Reviewed on: 02/23/2016
			Updates:
			Recommendation:
			File 2- Hembree

3 Darnell L. Cook Jr & Tyquil L. Cook (GUARD/P) Case No. 06CEPR00873

Petitioner Wheeler, Shantia M (Pro Per – Mother)

Petition for Termination of Guardianship

Darnell, 16	SHANITA M. WHEELER , mother, is Petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Minute Order of 01/20/2016: Examiner notes provided in open court. 1. Petition is incomplete. Petitioner does not provide a reason why termination of the guardianship is in the best interest of the minors. 2. Notice of Hearing filed 02/09/2016 shows Darnell Cook, Jr. (minor) and Kim Johnson (maternal grandmother) were personally served on 02/01/2016 however the notice of hearing indicates the hearing date of 01/20/2016 and not the hearing date of 02/24/2016 therefore service is defective. 3. Need proof of service of the Notice of Hearing on: a. Martha Walker (Maternal Grandmother/Guardian) – if the Court does not dispense with notice b. Darnell Cook, Sr. (Father) – if court does not dispense with notice. c. Darnell Cook, Jr. (Minor) d. Tyquil Cook (Minor) – if court does not dispense with notice e. Paternal Grandparents (Not Listed) f. Kim Johnson, Sr. (Maternal Grandfather)
Tyquil, 14		
Cont. from 012016		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: LV
Reviewed on: 02/23/2016
Updates:
Recommendation:
File 3- Cook

4 Faith Amariah Esqueda (GUARD/PE)**Case No.11CEPR00602**

Petitioner Amalia Molly Dominguez (Pro Per – Maternal Grandmother – Petitioner)

Attorney Kruthers, Heather H. (for Public Guardian – Guardian of the Estate)

Petition for Appointment of Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 12/16/15:</u> Petitioner represents that an additional hearing on releasing the guardianship to California is set on 1/27/16 in the Virginia Court. The Court orders the general appointment of the Public Guardian as to the Estate. Ms. Dominguez is to file proof of the termination in VA. <u>Update:</u> On 2/2/16, Petitioner filed a declaration with an attached order from the Juvenile and Domestic Relations District Court of Prince William County, VA, dated 12/10/15 that states that given that the minor has resided in California since August 2014 and a petition for guardianship has been filed in Fresno, CA, the VA Court declines to exercise its jurisdiction over matters concerning the minor. The following issue remains noted: 1. If diligence is not found, need service on paternal grandparents Rosa Esqueda and Sam Esqueda, Sr., pursuant to Probate Code §1511. <u>Note:</u> Notice of Hearing filed 2/2/16 indicates mailed service to Rosa Esqueda, but is blank and does not indicate when service was mailed.	
Cont. from 062415, 072915, 080515, 090915, 110415, 121615				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 2/19/16				
Updates:				
Recommendation:				
File 4– Esqueda				

Probate Status Hearing RE: Filing of the Inventory and Appraisal

		<p>SHELIA STEARNS was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.</p> <p>Ms. Stearns was formerly represented by Attorney Sheldon Feigel, who is no longer eligible to practice law. Mr. Rindlisbacher appeared for the conservator on 7-21-14.</p> <p>On 8-13-14, bond of \$50,000.00 was filed. Thereafter, Letters were issued on 8-25-14.</p> <p>At a Status Hearing on 01/29/15, the Court set this matter for a status hearing regarding filing of the Inventory & Appraisal.</p> <p>Order Increasing Bond filed 06/26/15, increased bond to \$373,717.86.</p> <p>Bond of \$373,718.00 filed 09/08/15.</p> <p>Inventory & Appraisal, partial no. 1, filed 10/28/15 - \$429,743.51</p> <p>Petition for Authority to Sell Residence of Conservatee was approved on 12/14/15. Minute Order from 12/14/15 [Judge Snauffer] states: Counsel represents that he should have the Inventory & Appraisal back in the next couple of weeks. The Court grants the petition with the condition that the property is to be inventoried and appraised by the previously set 01/13/16 status hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/13/16. Minute order states Counsel requests 45 days and represents that the final</p> <p>1. Need Final Inventory & Appraisal and/or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<p>Cont. from 040215, 052815, 062515, 072315, 090315, 091015, 102915, 011316</p>			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF/KT</p> <p>Reviewed on: 2/19/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A - Cook</p>	

Probate Status Hearing Re: Filing of the First Account

		<p>SHELIA STEARNS was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.</p> <p>Ms. Stearns was formerly represented by Attorney Sheldon Feigel, who is no longer eligible to practice law. Mr. Rindlisbacher appeared for the conservator on 7-21-14.</p> <p>On 8-13-14, bond of \$50,000.00 was filed. Thereafter, Letters were issued on 8-25-14.</p> <p>At a Status Hearing on 01/29/15, the Court set this matter for a status hearing regarding filing of the Inventory & Appraisal.</p> <p>Order Increasing Bond filed 06/26/15, increased bond to \$373,717.86.</p> <p>Bond of \$373,718.00 filed 09/08/15.</p> <p>Inventory & Appraisal, partial no. 1, filed 10/28/15 - \$429,743.51</p> <p>Petition for Authority to Sell Residence of Conservatee was approved on 12/14/15. Minute Order from 12/14/15 [Judge Snauffer] states: Counsel represents that he should have the Inventory & Appraisal back in the next couple of weeks. The Court grants the petition with the condition that the property is to be inventoried and appraised by the previously set 01/13/16 status hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/13/16. Minute order states Counsel requests 45 days and represents that the final</p> <p>1. Need First Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 102915, 011316			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF/KT</p> <p>Reviewed on: 2/19/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B – Cook</p>	

Probate Status Hearing for the Filing of the Increased Bond.

	CYNTHIA C. THOMAS and PAMELA J. THOMAS, are Co-Conservators.	NEEDS/PROBLEMS/COMMENTS: 1. Status report does not address the filing of the increased bond. 2. Status report was not verified. Probate Code §1021. 3. Need proof of service of the status report on all interested parties (Local Rule 7.5B) and Jared Marshall pursuant to his Request for Special Notice. Note: Status Hearing for the filing of the 2 nd account is set for 3/29/17.
	Co-Conservators' First Account for the account period ending 1/13/15 was approved on 12/11/15.	
	Current bond is \$65,790.60.	
	Order approving the accounting ordered the bond to be increased to \$133,035.00.	
	This status hearing was set for the filing of the increased bond.	
	Unverified Status Report filed on 2/18/16 states Petitioners request additional time to file the second account.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/22/16
		Updates:
		Recommendation:
		File 6- Coyle

7A Destiny Luz Amarillas (GUARD/P) Case No. 13CEPR01100**Petitioner Amarillas, Luz (Pro Per – Petitioner – Guardian)****Petition for Termination of Guardianship**

Age: 9	LUZ AMARILLAS , paternal grandmother/Guardian, is petitioner. She was appointed guardian on 02/20/2014.	NEEDS/PROBLEMS/COMMENTS: Page 7B is the Petition for Guardianship filed by Yesenia Haro, paternal aunt. Minute Order of 01/13/2016: Examiner notes provided in open court. Yesenia Haro represents that the current guardian, Luz Amarillas, has had a stroke and is somewhat incapacitated. The following issues remain: 1. Need Notice of Hearing. 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship for: <ul style="list-style-type: none">• Raymundo Amarillas (Father)• Heather Salen (Mother)• Richard Salen (Maternal Grandfather)
Cont. from 011316	<u>Please see petition for details</u>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/23/2016
		Updates:
		Recommendation:
		File 7A- Amarillas

7A

7B Destiny Luz Amarillas (GUARD/P)**Case No. 13CEPR01100****Petitioner Haro, Yesenia (Pro Per – Petitioner – Paternal Aunt)****Petition for Appointment of Guardian of the Person**

Age: 9	YESENIA HARO , paternal aunt, is petitioner, and requests appointment as successor guardian.		NEEDS/PROBLEMS/COMMENTS:
			Minute Order of 01/13/2016: Examiner notes and workshop information provided in open court.
Cont. from 011316			<ol style="list-style-type: none"> Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Raymundo Amarillas (Father) – Unless the Court dispenses with notice Heather Salen (Mother) Notice of Hearing filed 02/08/2016 provides the incorrect hearing date therefore service to Heather Salen, mother, is defective. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Richard Salen (Maternal Grandfather)
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail		x	
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.		w/	
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 02/23/2016
			Updates:
			Recommendation:
			File 7B- Amarillas

7B

First and Final Account and Report of Conservator, Petition for Allowance of Fees to Conservator and Attorney, and Petition for Distribution

DOD: 09/03/15		MARIA DE LOS ANGELES RODRIGUEZ , Step-Granddaughter and Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 1/13/16:</u> Counsel represents they are still waiting on an order from Monterey County. <p align="center"><u>SEE PAGE 2.</u></p>
		Account period: 07/25/14 – 09/30/15	
Cont. from 011316		Accounting: \$179,489.26	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH: \$173,956.68	
<input checked="" type="checkbox"/>	Verified	Ending POH: \$158,860.54 (cash)	
<input type="checkbox"/>	Inventory	Conservator: \$2,445.00	
<input type="checkbox"/>	PTC	(144 hours @ \$5.00/hr. for travel time; 60 hours @ \$15.00/hr. for home maintenance; 30 hours @ \$15.00/hr. for sale or donation of household items; 25 hours @ \$15.00/hr. for the sale of real property)	
<input type="checkbox"/>	Not.Cred.	Attorney: \$7,182.50 (itemized by date for 26.3 hours @ \$275/hr.)	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs: \$2,871.38 (filing fees, service of process, probate referee, publication, federal express)	
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner states that she has filed a Petition for Probate in Monterey County and requests that the Conservatorship estate be distributed to the probate estate.	
<input type="checkbox"/>	Aff.Pub.	Petitioner prays for an Order:	
<input type="checkbox"/>	Sp.Ntc.	1. Approving, allowing and settling the First & Final Account;	
<input type="checkbox"/>	Pers.Serv.	2. Authorizing the Conservator fees;	
<input type="checkbox"/>	Conf. Screen	3. Authorizing the attorney fees and costs; and	
<input type="checkbox"/>	Letters	4. Authorizing Petitioner to distribute the remaining property on hand to the Administrator of the Estate of Polina Church Arevalo.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	On 2/4/16, Attorney Amador filed a Declaration stating that in lieu of distribution to the estate, the gross value of the estate does not exceed \$150,000.00 and probate administration is not required. Attached is a declaration pursuant to Probate Code §13100 signed by the conservatee's five step-granddaughters.	

Reviewed by: JF/skc

Reviewed on: 2/22/16

Updates:

Recommendation:

File 8- Arevalo

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. Need clarification regarding the change in request. Was a probate estate started in Monterey County and then abandoned?
2. The original petition for conservatorship alleged that the Conservatee has no known biological relatives and was dependent on her husband's family. Her Step-Granddaughter, Maria De Los Angeles Rodriguez, was appointed Conservator. The petition for conservatorship listed the following people at #11:
 - Maria Del Rosario Mendoza (Step-Daughter, of Fresno, CA)
 - Maria De Los Angeles Rodriguez (Step-Granddaughter, of Fresno, CA)
 - Elvia N. Trujillo (Step-Granddaughter, of Livonia, MI)
 - Anabel Navarro (Step-Granddaughter, of Madera, CA)
 - Maria G. Navarro (Step-Granddaughter, of Fresno, CA)
 - Maria L. Swope (Step-Granddaughter, of Fresno, CA)

This final petition originally prayed to distribute to the personal representative of the estate; however, because the estate does not exceed \$150,000.00, the attorney has filed a declaration with §13100 declarations from the five step-granddaughters for distribution directly from this conservatorship estate.

Need clarification re the following issues:

- a. Probate Code §6402(c) and (d) provide for distribution to issue of parents or grandparents prior to distribution to issue of predeceased spouse under §6402(e). At this time, need declaration of due diligence with reference to these degrees of kinship for Mrs. Arevalo. (The original petition stated Mrs. Arevalo had "no living siblings, children or grandchildren and no known biological relatives." However, this statement does not appear to cover the kinship listed in §6402 for purposes of intestate succession.)
 - b. Need complete list of all of Mrs. Arevalo's deceased husband's issue. The list set forth at #1 above, does not indicate if Maria De. Rosario Mendoza is the only step-child of Mrs. Arevalo, and does not indicate if all of the step-granddaughters listed are her children, and does not indicate if there are others at each degree. Because of the distant degree of kinship, need specific declaration with this information.
 - c. The §13100 Declaration provided is executed only by the five step-granddaughters, and does not include the step-daughter Maria Del Rosario Mendoza. Why? Under §§ 6402(e) and 240, the distribution split would occur at the closer degree of kinship, which would be the step-child level.
3. If granted, need revised order pursuant to Local Rule 7.6.1.A. Monetary distributions must be stated in dollars.

Status Hearing for the Filing of the Final Account.

DOD: 8/30/15	JEFFREY MEYER is Trustee.	NEEDS/PROBLEMS/COMMENTS:
	Order Settling First Account was entered 1/29/16.	1. Need final account.
	The Court set this status hearing re the filing of the final account and mailed notice to Attorney Matlak on 1/29/16.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC	Status Report filed 2/16/16 states the first account was recently entered and they are now working to complete the second and final account. They anticipate it will be ready for filing within a month or sooner after they finish gathering necessary paperwork.	
Not.Cred.		
Notice of Hrg	The trustee Jeffrey Meyer cannot be personally present at the status hearing because he lives out of state and did not have sufficient warning to take time off from his job. His attorney will be present. Mr. Meyer has been working diligently to provide the attorney everything he needs to file the final account and close out the SNT following the death of the beneficiary.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2/22/16
		Updates:
		Recommendation:
		File 9- Moon

		<p>CASEY S. ROGERS, Trustee and Respondent, moves for an Order from this Court compelling Petitioner Susan Ford Frantzich to provide further verified responses to Respondent's first set of special interrogatories and first set of document requests and to produce documents in response thereto.</p> <p>Respondent makes this motion on the grounds that Petitioner did not and has not provided full and complete responses to certain discovery requests. Petitioner has continued in her refusal to properly respond to Respondent's written discovery, despite efforts on the part of Respondent's counsel to meet and confer on the matter.</p> <p>This motion is made pursuant to Probate Code §1000 and CCP §§ 2023.010, 2030.300, and 2031.310.</p> <p>See also Memorandum of Points and Authorities, Declaration of Mark E. Chielpegian in Support of Motion to Compel Further Responses to Discovery, and Separate Statement of Discovery Responses in Dispute in Support of Motion to Compel Further Responses to Discovery.</p> <p>SUSAN FRANTZICH, Beneficiary and Petitioner, filed a Response on 12/22/15. Petitioner states her responses were adequate and complete. Most of the discovery requests for which Respondent seeks supplemental responses either beg the question of the allocation of the subtrusts or require Respondent to provide an opinion on her mother's intent. Others are simply disagreements with the answers provided. See Response for details.</p> <p>Separate Statement of Discovery Responses in Dispute in Reply to Susan Frantzich's Opposition to Motion was filed 12/29/15 by Casey S. Rogers.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 3/22/16 Per Minute Order 2/23/16</p> <p>Note: Casey S. Rogers' First Account of the Eugene & Evelyn Ford Family Trust (Survivor's Trust, Marital Trust, Credit Trust) is set for trial on <u>2/23/16</u> at 8:30 am in Dept. 303 pursuant to Stipulation and Order filed 1/4/16 (originally set for 1/9/16).</p> <p>Pursuant to Minute Order 12/7/15, Susan Frantzich's Amended Petition for Determination of Validity of Trust Amendment has also been continued to 2/23/16 at 8:30 am to trail the contested first account. The trial is limited solely to the First Account.</p>
Cont. from 010616			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Notice of Motion and Motion to Compel Further Responses to Discovery and Request for Sanctions; Memorandum of Points and Authorities

		CASEY S. ROGERS, Trustee and Respondent , moves for an Order from this Court compelling Petitioner Susan Ford Frantzich to provide further verified responses to Respondent's second set of special interrogatories.	NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 3/22/16 Per Minute Order 2/23/16 Note: Casey S. Rogers' First Account of the Eugene & Evelyn Ford Family Trust (Survivor's Trust, Marital Trust, Credit Trust) is set for trial on <u>2/23/16</u> at 8:30 am in Dept. 303 pursuant to Stipulation and Order filed 1/4/16 (originally set for 1/9/16). Pursuant to Minute Order 12/7/15, Susan Frantzich's Amended Petition for Determination of Validity of Trust Amendment has also been continued to 2/23/16 at 8:30 am to trail the contested first account. The trial is limited solely to the First Account.
Cont. from 010616			
<input type="checkbox"/>	Aff.Sub.Wit.	<p>In addition, Respondent seeks the imposition of monetary sanctions against Petitioner and/or her counsel in the amount of \$1,795.00 for their misuses of the discovery process.</p> <p>Respondent makes this motion on the grounds that Petitioner did not and has not provided full and complete responses to certain discovery requests. Petitioner has continued in her refusal to properly respond to Respondent's written discovery, despite efforts on the part of Respondent's counsel to meet and confer on the matter.</p> <p>This motion is made pursuant to Probate Code §1000 and CCP §§ 2023.010, 2030.300, and 2031.310.</p> <p>See also Memorandum of Points and Authorities, attached requests, responses, communications.</p>	
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	Reviewed by: skc	
<input type="checkbox"/>	UCCJEA	Reviewed on: 2/19/16	
<input type="checkbox"/>	Citation	Updates: 2/23/16	
<input type="checkbox"/>	FTB Notice	Recommendation:	
		File 10B- Ford	

11 Jamie Elizabeth McGlashan (Estate) Case No. 14CEPR00633**Attorney Howk, Robert L (for Craig MacGlashan – Executor)****Probate Status Hearing Re: Filing of the First Account or Petition for Final Distribution.**

DOD: 1/1/14	CRAIG MACGLASHAN , son, was appointed Executor with Limited IAEA authority and without bond on 8/28/14.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 8/28/14.	OFF CALENDAR. <u>Petition for Settlement and Final Distribution on Waiver of Accounting filed 02/18/2016.</u> <u>Hearing is set for 03/28/2016.</u>
Cont. from 102115, 010616	Minute Order dated 8/20/14 set this status hearing for the filing of the First Account or Petition for Final Distribution.	
Aff.Sub.Wit.	Former Status Report filed 12/28/2015 states Petitioner was also appointed to serve as Conservator of the Person and Estate of Jamie E. McGlashan, Fresno Superior Court Case No. 10CEPR00285, on 05/24/2010. Letters of Conservatorship were issued on 05/25/2010, and at all time since his appointment, he has been acting as conservator. On 05/28/2015, the Honorable Debra Kazanjian, approved the Amended Order for Approval of Second and Final Account and Report of Conservator of the Person and Estate; Request for Payment of Conservator; and Request for Authorization to Distribute Assets to Administrator of the Estate and named Beneficiaries Probate Section 2620.	1. Need First Account or Petition for Final Distribution.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	Executor is still working with the financial institutions to obtain the proper documents to file with the court to close the conservatorship proceedings (Fresno Superior Court Case No. 10CEPR00285). Bank of America still has not provided the necessary information needed to close the conservatorship and the probate proceeding. All the beneficiaries have waived the filing of the accounting. Since the last appearance Mr. MacGlashan has found that one of the IRA accounts, which Farmers said did not have a beneficiary, did in fact list Mr. MacGlashan as a beneficiary. At this time it is uncertain if an amended Final Accounting of the Conservatorship will have to be filed. Therefore, a 90 days extension is requested.	
Order		Reviewed by: LV
Aff. Posting		Reviewed on: 02/23/2016
Status Rpt		Updates:
UCCJEA		Recommendation:
Citation		File 11 – McGlashan
FTB Notice		

12 Sullivan Andrew Rought Jr. (Estate) Case No. 14CEPR01028**Attorney De Goede, Dale A (for Louis L Rought – Administrator)****Probate Status Hearing Re: the Filing of the First Account and/or Petition for Final Distribution**

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>Order for Final Distribution</u> <u>signed on 06/24/2015.</u>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/23/2016
		Updates:
		Recommendation:
		File 12- Rought

12

Attorney: Gary G. Bagdasarian (for Conservatee)

Attorney: Heather H. Kruthers (for temporary Conservator Public Guardian)

Attorney: Theresa B. Petty-Jones (for Anna Lisa Young)

Attorney: David Huynh (for Petitioner H.F. Rick Leas)

Petition for Appointment of Probate Conservator

		TEMPORARY (PUBLIC GUARDIAN) EXPIRES 3/1/16.	NEEDS/PROBLEMS/COMMENTS:
		H.F. RICK LEAS, private professional fiduciary, is petitioner	Trial for the Public Guardian's petition to be appointed general conservator of the person and estate is set for trial on 3/1/16.
Cont. from		Please see petition for details.	Motion to Consolidate Actions is set for hearing on 3/22/16.
	Aff.Sub.Wit.		
✓	Verified	Court Investigator Report filed on 2/18/16	Court Investigator Advised Rights on 2/17/16.
	Inventory		
	PTC		1. Petition request bond not be required. Petitioner is a private professional fiduciary. Private professional fiduciaries are not exempt from the bond requirements. Therefore, bond should be set at \$639,600.00
	Not.Cred.		
✓	Notice of Hrg		2. Copy of the Confidential Capacity Declaration filed by the Public Guardian is attached to the Petition. Confidential documents should not be included on documents that are not filed confidentially.
✓	Aff.Mail		
	Aff.Pub.		3. Need Video Viewing Receipt.
	Sp.Ntc.		
✓	Pers.Serv.		4. Order is on an outdated form. Need Order on current updated form.
✓	Conf. Screen		
✓	Letters		Reviewed by: KT
✓	Duties/Supp		
	Objections		Reviewed on: 2/22/16
	Video Receipt		
✓	CI Report		Updates:
	9202		
✓	Order		Recommendation:
	Aff. Posting		
	Status Rpt		File 13- Pirie
	UCCJEA		
✓	Citation		
	FTB Notice		

DOD: 11/05/13	RUTH HARDIN , surviving spouse, was appointed Administrator with Limited IAEA and without bond on 04/01/15. Letters of Administration were issued on 04/02/15.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/5/15:</u> Counsel requests six months due to the appeals process in the related litigation. <u>Update:</u> A Request for Dismissal was submitted 2/22/16; however, because Letters issued on 4/2/15, administrative dismissal is not appropriate. The estate must be properly closed by noticed petition.
Cont. from 080515		
Aff.Sub.Wit.	Minute Order from hearing on 04/01/15 set this matter for status regarding filing of the Inventory & Appraisal.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Status Report filed 7/31/15 states: The probate estate is still without assets. The sole asset of the estate will be any proceeds inuring to the benefit of the plaintiff in the matter known as Zane Hardin vs. Wal-Mart Stores, Inc., US Court of Appeals for the Ninth Circuit, which has been appealed as reflected by the attached Writ to the United States Supreme Court. Consequently, a 6 month continuance is requested pending the determination of the outcome of this litigation.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections	Status Report filed 2/22/16 states the sole asset was to be proceeds inuring to the benefit of plaintiff in the matter known as <i>Zane Hardein vs. Wal-Mart Stores, Inc.</i> , US Court of Appeals for the Ninth District Case No. CA13-15098. The matter was appealed to the US Supreme Court. The US Supreme Court denied the appeal and therefore the estate will have no assets. There were no creditor's claims filed. Consequently a Request for Dismissal will be filed.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF/skc Reviewed on: 2/22/16 Updates: Recommendation: File 14 – Hardin

15

16 Lewis Sanders (Estate) Case No. 15CEPR00388**Administrator Wright, Katrena Louisa (Pro Per)****Probate Status Hearing RE: Litigation and Whether or not an Inventory and Appraisal is Needed**

DOD: 12/29/2008	KATRENA LOUISA WRIGHT , was appointed Administrator without IAEA authority, without bond unless assets are received on 08/19/2015.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 01/20/2016: Katrena Wright represents that the paperwork has been filed with regard to the litigation. The Court directs Mr. Wright to file a verified declaration with all the lawsuit information in it no later than 02/17/2016. 1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from 012016	Letters issued on 08/21/2015.	
Aff.Sub.Wit.	Minute Order of 08/19/2015 set this Status Hearing regarding litigation and whether or not an Inventory and Appraisal is needed. Minute Order states: Ms. Wright represents to the Court that there is no money or property in the estate, and that she filed only because of a pending medication lawsuit that was filed three years ago. The Court appoints Ms. Wright as Administrator with no authority and orders no bond unless assets are received. Declaration filed 02/04/2016 attached is a copy of Short-Form Complaint and Demand for Jury Trial in the Commonwealth of Massachusetts Superior Court Civil Action case no. MICV2013-03400-O.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 02/23/2016
		Updates:
		Recommendation:
		File 16- Sanders

Order to Show Cause RE: Failure to File the Inventory and Appraisal

DOD: 12/25/13	SHANNON SCOGGINS was appointed Executor with full IAEA Authority and without bond on 7/23/15.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Letters issued on 7/27/15.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	Corrected Inventory and Appraisal filed on 12/9/15 shows a portion of the estate valued at \$385,000.00	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Minute order dated 1/13/16 set this Order to Show Cause to Ryan Janisse as to why he should not be sanctioned for his failure to appear and to Shannon Scoggins as to why she should not be removed as Executor for failure to file the Inventory and Appraisal. Mr. Janisse and Ms. Scoggins are both ordered to be personally present in court or appear by CourtCall on 2/24/16.</p> <p>Status Report filed on 1/20/16 states Mr. Janisse believed that the status hearing would come off calendar if the Inventory and Appraisal was filed in advance of the hearing. The inventory and appraisal was filed on 12/9/15. As a result of the inventory and appraisal being filed, neither Mr. Janisse nor Ms. Scoggins appeared at the hearing.</p>	<p>1. Corrected Inventory and Appraisal filed on 12/9/15 indicates it is a portion of the estate. Need final inventory and appraisal listing all property of the estate.</p> <p>2. Status Report was not verified. Probate Code §1021.</p> <p>3. Need proof of service of the Status Report on all interested parties (Local Rule 7.5B) and to the Department of Health Care Services pursuant to their Request for Special Notice.</p> <p>Note: The reason the status hearing on 1/13/16 did not come off calendar is because the inventory and appraisal filed on 12/9/15 was only a portion of the estate.</p>
		Reviewed by: KT
		Reviewed on: 2/22/16
		Updates:
		Recommendation:
		File 17- Jennings

Order to Show Cause RE: Failure to File the Inventory and Appraisal

DOD: 10/18/08	GEORGE E. BERZ was appointed Executor with full IAEA Authority and without bond on 8/6/15.	NEEDS/PROBLEMS/COMMENTS: 4. Need proof of service of the Status Report on all interested parties (Local Rule 7.5B) and to the Department of Health Care Services pursuant to their Request for Special Notice.
	Letters issued on 8/14/15.	
Cont. from	Inventory and Appraisal, partial no. 1 filed on 10/30/15 shows a portion of the estate valued at \$225,000.00	
Aff.Sub.Wit.		
Verified		
Inventory	Inventory and Appraisal, final, filed on 2/1/16 shows the remaining estate valued at \$1,657.01.	
PTC		
Not.Cred.		
Notice of Hrg	Minute order dated 1/13/16 set this Order to Show Cause to Alan D. Khalfin as to why he should not be sanctioned for his failure to appear and to George E. Berz as to why he should not be removed as Executor for failure to file the Inventory and Appraisal. Mr. Khalfin and George E. Berz are both ordered to be personally present in court or appear by CourtCall on 2/24/16.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp	Status Report filed on 1/28/16 states regrettably due to an administrative oversight, they failed to calendar the hearing. It was never their intention to squander the Court's time, and they sincerely apologize for doing so. Mr. Khalfin states they were a little late in filing the final inventory and appraisal because the Executor was not certain he was going to receive the Allstate refund. The Executor just received this check on 1/14/16. They wanted to be sure the final inventory was correct before it was sent for filing.	
Objections		
Video Receipt		
CI Report		
9202 Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Mr. Khalfin respectfully requests that the Order to Show Cause hearing be dismissed and that no sanctions be imposed against him for failure to appear or against the Executor for his delay in filing the inventory and appraisal.	

Reviewed by: KT

Reviewed on: 2/22/16

Updates:

Recommendation:

File 18- Berz

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 9/16/11		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Inventory and appraisal filed on 2/11/16.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 2/22/16
		Updates:
		Recommendation:
		File 19- Shelest

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 9/26/14	THOMAS RUFF was appointed Executor with Full IAEA authority and without bond on 10/1/15.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 10/2/15.	1. Inventory and Appraisal filed on 10/14/15 is incomplete. #1 and #2 of the form is blank. This section indicates the total appraised by the personal representative and the total appraised by the probate referee.
Cont. from	Incomplete Inventory and Appraisal filed on 10/14/15.	
Aff.Sub.Wit.	Minute order dated 10/1/15 set this status hearing for the filing of the inventory and appraisal.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 2/22/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 20- Carey

21A

Ashlynn Astone & Audie Wulf (GUARD/P) Case No. 15CEPR00943

Petitioner

Hamby, Patricia Kay (Pro Per – Paternal Grandmother – Petitioner)

Petition for Appointment of Guardian of the Person

See petition for details.			NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> This petition pertains to Ashlynn only. Page B is a separate petition re Audie.
Cont. from 120215, 012016			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2/19/16
			Updates:
			Recommendation:
			File 21A- Astone

21A

21BAttorney
Mother**Ashlynn Astone & Audie Wulf (GUARD/P) Case No. 15CEPR00943**

Cavin, Kenneth M. (for Karen and Wayne Wulf – Paternal Grandparents – Petitioners)

Wulf, Angela (Pro Per – Mother – Objector)

Petition for Appointment of Temporary Guardian of the Person

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			<u>Note:</u> This petition is for Audie only.
			<u>Continued from</u> <u>1/25/16, 2/1/16, 2/8/16.</u> <u>See Minute Orders.</u>
			<u>Note:</u> As of 2/19/16, nothing further has been filed in connection with this petition.
Cont. from 012516, 020116, 020816			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2/19/16
			Updates:
			Recommendation:
			File 21B- Astone & Wulf

21B

22 Beautifull Joy Vara (GUARD/P)**Case No. 15CEPR01050**

Petitioner Leticia Rosa Gonzalez (Pro Per, non-relative)
 Objector Jose Vara, Jr. (Pro Per, father)
 Objector Jolene Mosqueda, (Pro Per, mother)
 Objector Jose Luis Vara, Jr. (Pro Per, brother)
 Objector Chad Strohl (Pro Per, friend)

Petition to Appoint Guardian of the Person

		TEMPORARY EXPIRES 11/19/2015; extended to 1/6/2016	NEEDS/PROBLEMS/COMMENTS: Note: Minute Order dated 11/19/2015 from hearing on the temporary petition states, in pertinent part, that the Court orders supervised visitation for Jolene Mosqueda [mother] on Mondays and Fridays from 4pm to 6pm and on Sundays from 11am to 1pm at McDonald's on Blackstone and Shields; Leticia Gonzales must supervise at all times.
		LETICIA ROSA GONZALEZ, non-relative, is Petitioner.	
		~Please see Petition for details~	
Cont. from 110515, 010616		Declaration filed by Petitioner LETICIA GONZALEZ on 11/12/2015.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 2/22/16
			Updates:
			Recommendation:
			File 22 - Vara

Petitioner Anthony Gomez (Pro Per)

Petition to Determine Succession to Real Property

DOD: 3/24/2015		ANTHONY GOMEZ, <i>relationship unstated</i> , is Petitioner. 40 days since DOD. No other proceedings. I & A - Need	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 1/6/2016.</u> Minute Order states examiner notes provided in open court. The following issues from the last hearing remain: 1. Need original Will of the Decedent to be deposited with the Court pursuant to Probate Code § 8200. Deposit fee of \$50.00 will be due from Petitioner prior to processing of an order for distribution. 2. Pursuant to Probate Code § 13153, need proof of mailed service of <i>Notice of Hearing</i> for all persons required to be served with notice pursuant to Probate Code § 13152(a)(7), including MATIAS GARCIA, ADUBIJES SOTO, and MARIA DE JESUS GOMEZ RIOS. 3. <i>Petition</i> does not but should state Petitioner's relationship to Decedent, and the basis of Petitioner's standing to bring the instant <i>Petition</i> , given that the Decedent's Will devises the proceeds of the sale of Decedent's real property to other persons. All successors to the Decedent's property must be petitioners in the instant proceeding. <i>Petition</i> states at Item 13 that the specific property interest claimed by the Petitioner in the real property is stated in Attachment 13; however, there is no such attachment. ~Please see additional page~
Cont. from 010616			
Aff.Sub.Wit.			
Verified	X (other persons)		
Inventory	X		
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/	Will dated 7/14/2006 directs the real property in Sanger be sold, and devises the residue after loan payoff be divided 50% to the family living in the USA and 50% to the family in Mexico: ADUBIJES SOTO , daughter-in-law to give to Decedent's grandchildren, and MARIA DE JESUS GOMEZ RIOS , daughter in Mexico. Petitioner requests Court determination that Decedent's interest in real property located on 10 th Street in Sanger passes to the Petitioner pursuant to Decedent's Will.	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202		Reviewed by: LEG Reviewed on: 2/22/16 Updates: Recommendation: File 23- Garcia	
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

NEEDS/PROBLEMS/COMMENTS, continued:

4. Copy of Decedent's Will attached to the *Petition* is dated 7/14/2006 at the signature of the Decedent. Only one witness signed the Will, rather than two witnesses as required by Probate Code § 6110. The Notary Public attestation of the witnesses' signature is dated 7/13/2006, one day prior to the date at Decedent's signature. Although the Will is technically not admitted to probate in this proceeding, when the Decedent leaves a Will, a Court order determining the right to succeed to the property under the Will necessarily includes a determination as to the validity of the Will. Court may require *Affidavit of Subscribing Witness* to the Will pursuant to Probate Code § 8220, and/or witness testimony in a signed writing as to the Will execution pursuant to Probate Code § 8224, in order to establish that the Will satisfies the requirements of Probate Code § 6110.
5. Item 9(a)(2)(b) of *Petition* states decedent's spouse is deceased. Item 14 of *Petition* does not include the name and date of death of Decedent's deceased spouse; and does not include the date of death of Decedent's deceased son, **FELICIANO GARCIA**, pursuant to Local Rule 7.1.1(D) which provides that if a beneficiary, heir, child, spouse or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the *Petition*.
6. Item 9a of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner.
7. Item 9a of the *Petition* is marked at subsection (7) indicating there exists issue of a predeceased child. Item 14 of *Petition* does not include as required the names of the issue of Decedent's predeceased child.
8. *Attachment 11* to the *Petition* does not state the amount (percentage) of the Decedent's interest in the real property as required per Item 11 of the *Petition*.
9. Item 14 of *Petition* does not include as required the names and relationships of all of Decedent's natural children, as mentioned in Decedent's Will: **MATIAS GARCIA**, **CONSUELO GARCIA** (unclear if this person is the same as **CONNIE GARCIA** listed in Item 14), **JUANITA GARCIA PEDRAZA** (unclear if this person is the same as **JANIE GARCIA** listed in Item 14), and **MARIA DE JESUS GOMES RIOS**.
10. Item 14 of *Petition* does not include as required the names and relationships of all persons designated in the will to receive property: **ADUBIJES SOTO**; **MARIA DE JESUS GOMEZ RIOS**; and Decedent's grandchildren in Mexico (names must be specified.)
11. Item 15 of the *Petition* does not but should list all persons named as executor, including alternate executor, **DOLORES GARCIA**, named in Decedent's Will.
12. Item 8 of the *Petition* requires a *Final Inventory and Appraisal* to be attached to the *Petition*. Need *Final Inventory and Appraisal* [Judicial Council form DE-160, 161] pursuant to Probate Code § 13152(b).
13. Need proposed *Order Determining Succession to Real Property* (Judicial Council form DE-315) containing the legal description of the real property and specifying the percentage of the property interest to the distributees.

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 2/11/16.	
Cont. from 010616				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2/19/16	
			Updates:	
			Recommendation:	
			File 24- Benitez	

25 Andre Cleveland, Sierra Cleveland, Jherriah Derisso (GUARD/P)
Case No. 15CEPR01125

Petitioner McCaleb, Johninieta (Pro Per – Maternal Aunt)
Petition for Appointment of Guardian of the Person

Andre Age: 9	<p><u>TEMPORARY EXPIRES 02/24/2016</u></p> <p>JOHNINIETA MCCALED, maternal aunt, is petitioner.</p> <p><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 01/20/2016: Examiner notes provided in open court.</p>	
Sierra Age: 7			
Jherriah Age: 13			
Cont. from 012016			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail			w/
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.			w/
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 02/23/2016	
		Updates:	
		Recommendation:	
		File 25- Cleveland & Derisso	

26 Albert Gomonet (Estate) Case No. 15CEPR01135Attorney **MCCAIN, MICHELLE N** (of Salinas, Ca. for Marietta Gomonet – Petitioner – Spouse)

Petition for Probate of Will and for Letters Testamentary. Authorization to Administer Under the IAEA

DOD: 08/25/2015		MARIETTA GOMONET , spouse/named Executor without bond is petitioner. Full IAEA – o.k. Will dated: 01/28/2005 Residence: Clovis Publication: Fresno <u>Estimated value of the Estate:</u> Real property - \$600,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted status hearings will be set as follows: • Wednesday, 07/20/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 04/19/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from 010616			
<input type="checkbox"/> Aff.Sub.Wit.	s/p		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.		Reviewed by: LV Reviewed on: 02/23/2016 Updates: Recommendation: Submitted File 26- Gomonet	
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Attorney

Amador, Catherine A. (for Petitioner Vanice J. Upton)

Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			Court Investigator advised rights on 2/16/15
			<u>Minute Order 2/1/16:</u>
			Attorney Jon Adams advises that a St. Agnes nurse is visiting Ms. Economou four times per week and the Court finds no evidence today to grant the temporary petition. The Court orders that the previously scheduled neurologist appointment is to be kept, and that there shall be no exercising any powers of attorney, or any other powers, between now and the general hearing. Furthermore, the Court orders that no party is to speak with Ms. Economou about this court matter or keep family members from contacting her. The Court reserves the right to make temporary orders in the future.
			<u>SEE ADDITIONAL PAGES</u>
			Reviewed by: skc
			Reviewed on: 2/22/16
			Updates:
			Recommendation:
			File 27- Economou

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

Page 2 – NEEDS/PROBLEMS/COMMENTS: If this petition goes forward, the following issues exist:

1. Petitioner checked the box at #1k of the petition, but did not include the mandatory Judicial Council Form GC-313 Attachment Requesting Special Orders Re Dementia. Therefore, no attorney was appointed for the proposed Conservatee pursuant to Probate Code §2356.5(f), and service on the proposed Conservatee and relatives did not include this request, which specifies the powers requested.

Therefore, if dementia powers are requested, need mandatory form filed to specify the powers requested, need attorney appointed, and need proper service of this request on the proposed Conservatee and all relatives.

2. Need capacity declaration in support of medical consent and dementia powers.
3. Petitioner states at Attachment 11 that she is seeing orders breaking the proposed conservatee's trust if this is necessary to allow the conservator of the estate to control and protect trust assets. However, the proposed conservatee's trust is not properly before the Court and cannot be addressed within conservatorship proceedings.
4. Need video receipt per Local Rule 7.15.8.A.
5. If granted, need bond of at least \$46,200.00. Note: Petitioner requests bond of \$70,500.00, but does not indicate what is included in this calculation. The Court may require clarification.

Note: If granted, the Court will set status hearings for the filing of bond, Inventory and Appraisal, and first account. At this time, it does not appear the petition is in a condition to be granted; therefore, dates will be provided once the above issues are cured.

Petitioner Muro, Maria Felix (Pro Per - Family Friend – Petitioner)

Petitioner Hernandez, Matthew Christopher (Pro Per – Brother – Petitioner)

Petition for Appointment of Probate Conservator of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 2/1/16 Voting rights affected – need minute order 1. Need video receipt per Local Rule 7.15.8.A from both petitioners.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt	X		
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 2/22/16	
			Updates:	
			Recommendation:	
			File 28- Hernandez	

Status Conference RE: 1) Petition for Preliminary Distribution; and 2) First Account

DOD: 8/7/10			JOHN P. MCCANN and COLLEEN E. DEMPSEY , were appointed Co-Executors with Full IAEA without bond pursuant to the Court's order entered 11/1/13.			NEEDS/PROBLEMS/COMMENTS:		
						<u>This matter is set for 3:30 pm in Dept. 502.</u>		
						<u>Minute Order 10/14/15:</u>		
						Counsel gives status in open court, and the court now sets a new status conference for 12/16/15. The petition to close estate (if all is in order) will be filed within 30-45 days. The Court approves the hearing on the petition to close estate to also be set for 12/16/15 at 3:30 pm.		
						<u>Minute Order 12/16/15:</u>		
						Further status set for 2/24/16 at 3:30 pm in Dept. 502.		
	Aff.Sub.Wit.		I&A Partial No. 1 (Corrected) filed 2/18/15 indicates \$64,134.87 cash plus various securities and an annuity contract, for a total of \$446,813.85.					
	Verified							
	Inventory							
	PTC							
	Not.Cred.		I&A Partial No. 2 (Final) filed 2/28/14 indicates an additional \$31,737.23 in cash.					
	Notice of Hrg							
	Aff.Mail		Supplemental I&A filed 4/22/15 includes the \$1,200,000.00 claim against Daniel McCann					
	Aff.Pub.							
	Sp.Ntc.							
	Pers.Serv.							
	Conf. Screen		Total Inventory and Appraisal Value: \$1,678,551.08					
	Letters		Co-Executors filed a Petition for Preliminary Distribution on 2/13/15. Objections were filed by Kathleen M. Whitehurst, Kevin J. McCann, and Timothy J. McCann, which requested a complete accounting.					
	Duties/Supp							
	Objections							
	Video Receipt		Co-Executors filed a First Account on 4/17/15.					
	CI Report							
	9202		Both matters were heard 4/22/15, 5/26/15, and 6/17/15.					
	Order							
	Aff. Posting		On 6/17/15, the Court set this Status Conference.					
	Status Rpt							
	UCCJEA							
	Citation		Co-Executors filed Status Reports on 8/7/15, 10/6/15, 2/16/16.					
	FTB Notice							
			<u>SEE ADDITIONAL PAGES</u>					
						Reviewed by: skc		
						Reviewed on: 2/19/16		
						Updates:		
						Recommendation:		
						File 1 - McCann		

Page 2

Status Report filed 8/7/15 by Co-Executors states the assets inventoried during the course of administration of the decedent's estate consist of the items identified in the three I&As as set forth above. The Co-Executors believe there are also retirement savings through United Airlines Management and Administrative 401K Plan held by Fidelity Investments that may belong to the estate. The value of the account on 12/31/14 was \$69,838.64.

The status report details the actions taking during administration and states as of 7/6/15, the estate totaled \$1,776,561.34, which total was comprised of assets including various cash/investment accounts, which consists of \$526,561.34 plus the claim against Daniel McCann for \$1,250,000.00 filed in this estate case.

As requested by the Court on 6/17/15, Co-Executors have made the following progress in transferring the probate estate asset to the trust pursuant to the terms of the Statement of Decision entered by this Court on 5/21/14, without the need for further court order:

- a. Bank of the West: On 7/6/15, a cash transfer of \$200,000.00 was made to the trust from the estate's Bank of the West accounts, leaving an approximate balance of \$132,367.20, which Co-Executors propose to move to the trust. However, Co-Executors are temporarily leaving at least one account open in order to receive the transfer or deposit of monies from the Decedent's USAA Investment accounts, if necessary, which monies can be moved to the trust pursuant to the Court's finding that all of Decedent's assets are property of the trust.
- b. USAA: On 6/23/15, a letter was mailed to USAA Investments requesting if the language in previously entered pleadings pertaining to the trust was sufficient to transfer the USAA assets currently held by the estate to the trust. The letter has been referred to USAA's legal department for review and as of the date of this status report, no update has been received.

The Co-Executors are still waiting to hear from Fidelity Investments whether the estate is the beneficiary of benefits available through her predeceased husband John P. McCann's United Airlines Management and Administrative 401K Plan.

The only other remaining asset is the judgment entered in the claim against Daniel McCann. In effect, the Court found the disputed assets to be property of the trust, not the estate. Thus, the inventoried claim against Daniel McCann has a market value of zero.

Once the remaining assets in Decedent's name have been transferred to the trust, the Co-Executors can petition to close the estate on the ground there are no assets therein to administer.

Status Report filed 10/6/15 by Attorney Burnside states: As of 8/31/15, the estate was comprised of assets totaling \$1,576,611.82. As requested by the Court on 6/17/15, the Co-Executors have made progress in transferring the probate estate assets to the trust pursuant to the terms of the Statement of Decision entered 5/21/14. See report for details of the specific assets. The report states the only other remaining asset is the judgment entered in the claim against Daniel McCann, which the Court found to be assets of the trust, not the estate; therefore, the inventoried claim has a market value of zero. **Once the remaining assets in Decedent's name have been transferred to the trust, the Co-Executors can petition to close the estate on the ground that there are no assets to administer.**

Page 3

Status Report filed 2/16/16 by Attorney Burnside states: USAA is now requiring a "formal confirmation letter" from the IRS confirming the EIN of the trust before USAA will transfer accounts. The Co-Executors have requested the letter from the IRS, but it has not yet been received.

On 9/14/15, Fidelity Investments responded that pursuant to a beneficiary designation form, the children of the decedent are the beneficiaries; therefore, such benefits are not an asset of the probate estate.

The only other remaining asset is the judgment entered in the claim against Daniel McCann. The Court found the disputed assets to be property of the trust, not the estate; therefore, the claim has a market value of zero.

Once the remaining assets in Decedent's name have been transferred to the trust, the Co-Executors can petition to close the estate on the grounds that there are no assets to administer.